

Rule	Action	Justification
New 61.45	<u>Method of filing publications.</u> Add electronic tariff filing requirements.	Complies with Commission requirements for tariffs to be filed electronically.
New 61.46	<u>Letters of transmittal and cover letters.</u> Add electronic tariff filing requirements.	Complies with Commission requirements for tariffs to be filed electronically.
New 61.47	<u>Base Documents.</u> Add electronic tariff filing requirements.	Complies with Commission requirements for tariffs to be filed electronically.
New 61.48	<u>Method of filing applications for special permission.</u> Add electronic tariff filing requirements.	Complies with Commission requirements for tariffs to be filed electronically.
61.50	<u>Scope: Optional incentive regulation for rate of return LECs.</u> Section deleted.	Deleted OIR rules for ROR ILECs to incorporate recommendation from the FCC Part 61 Biennial Review NPRM (CC Docket No. 98-131).
New 61.50	<u>Filing of access service tariffs.</u> Moved Section 69.3 to this new section. References to OIR rules are eliminated.	Consolidated all filing of access tariff requirements into Part 61. Deleted OIR rules for ROR ILECs to incorporate recommendation from the FCC Part 61 Biennial Review NPRM (CC Docket No. 98-131).
61.51	<u>LEC filing requirements pursuant to section 204(a)(3) of the Communications Act.</u> Section deleted and incorporated into Section 61.15.	All tariff filing notice requirements incorporated into 61.15.
61.52 now 61.14	<u>Form, size, type, legibility, etc.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.

Rule	Action	Justification
61.53 now 61.17	<u>Consecutive numbering.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.54 now 61.13	<u>Composition of tariffs.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.55 now 61.18	<u>Contract-based tariffs.</u> Reference to IXCs deleted.	Section renumbered in the reorganization of all tariff requirements. LECs are now provided the flexibility to file contract-based tariffs.
61.56 now 61.19	<u>Supplements.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.57 now 61.20	<u>Cancellations.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.58 now 61.15	<u>Notice requirements.</u> Incorporate into revised 61.15.	Consolidate notice requirements under "Specific Rules for Tariff Publications" section.
61.59	<u>Effective period required before changes.</u> Section deleted.	Deletes requirement that tariffs be in effect for 30 days before any changes are made.
61.67	<u>New or discontinued telephone and teletypewriter service points; mileages.</u> Section deleted.	Deletes obsolete rules.

Rule	Action	Justification
61.68 now 61.16	<u>Special notations.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.69 now 61.21	<u>Rejection.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.71	<u>Reissued matter.</u> Section deleted.	Deletes obsolete rules.
61.72 now 61.22	<u>Posting.</u> Change section title to: <u>Public information requirements.</u> Eliminated posting of tariffs. Revised language so that information on rates and a contact telephone number are provided.	Section renumbered in the reorganization of all tariff requirements. Section revised to incorporate recommendation from the FCC Part 61 Biennial Review NPRM (CC Docket No. 98-131).
61.73 now 61.23	<u>Duplication of rates or regulations</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.74 now 61.24	<u>References to other instruments.</u> Added language for reference to technical publications.	Section renumbered in the reorganization of all tariff requirements. Language added that allows tariffs to reference technical publications w/o filing a waiver. Also deletes obsolete rules.

Rule	Action	Justification
	CONCURRENCES	
61.131 now 61.28	<u>Scope.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.132 now 61.29	<u>Method of filing concurrences.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.133 now 61.30	<u>Format of concurrences.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.134 now 61.31	<u>Concurrences for through services.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.135 now 61.32	<u>Concurrences for other purposes.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.136 now 61.33	<u>Revocation of concurrences.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
	APPLICATIONS FOR SPECIAL PERMISSION	
61.151 now 61.34	<u>Scope.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.

Rule	Action	Justification
61.152 now 61.35	<u>Terms of applications and grants.</u> Deleted unnecessary language. Extended grant period to 90 days.	Section renumbered in the reorganization of all tariff requirements. Eliminates the reapplication for grants. Grant authority extended from 60 to 90 days.
61.153 now 61.36	<u>Method of filing applications.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
	ADOPTION OF TARIFFS AND OTHER DOCUMENTS OF PREDECESSOR CARRIERS	
61.171 now 61.37	<u>Adoption notice.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.172 now 61.38	<u>Changes to be incorporated in tariffs of successor carrier.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
	SUSPENSIONS	
61.191 now 61.39	<u>Carrier to file supplement when notified of suspension.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.192 now 61.40	<u>Contents of supplement announcing suspension.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.
61.193 now 61.41	<u>Vacation of suspension order; supplements announcing same; etc.</u> No change in content.	Section renumbered in the reorganization of all tariff requirements.

Rule	Action	Justification
New	RULES FOR NONDOMINANT COMMON CARRIERS Title added.	Add Title for new Nondominant Common Carrier rules.
New 61.80	<u>Retention of information concerning detariffed interexchange services.</u> Moved Section 42.11 to this new section.	Section 42.11 requirements for nondominant IXC's to maintain price and service information are moved to Part 61. The remainder of Part 42 is eliminated.

USTA BIENNIAL REVIEW PROPOSAL

CODE OF FEDERAL REGULATIONS

TITLE 47 - TELECOMMUNICATIONS

CHAPTER I

FEDERAL COMMUNICATIONS COMMUNICATION

PART 61 - TARIFFS

PART 61—TARIFFS

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RULES FOR NONDOMINANT COMMON CARRIERS

- 61.80 Retention of information concerning detariffed interexchange services.

§ 61.1 Purpose and application.

- (a) The purpose of this part is to prescribe the framework for the initial establishment of and subsequent revisions to tariff publications
- (b) Tariff publications filed with the Commission must conform to the rules in this part. Failure to comply with any provisions of this part may be grounds for rejection of the non-complying publication
- (c) No carrier required to file tariffs may provide any interstate or foreign communication service until every tariff publication for such communication service is on file with the Commission and in effect.

DEFINITIONS

§ 61.2 Definitions.

- (a) *Act*. The Communications Act of 1934 (48 Stat. 1004; 47 U.S.C. chapter 5), as amended.
- (b) *Association*. This term has the meaning given it in § 69.2(d).
- (c) *Change in rate structure*. A restructuring or other alternation of the rate components for an existing service.
- (d) *Charges*. The price for service based on tariffed rates.
- (e) *Commercial contractor*. The commercial firm to whom the Commission annually awards a contract to make copies of Commission records for sale to the public.
- (f) *Commission*. The Federal Communications Commission.
- (g) *Concurring carrier*. A carrier (other than a connecting carrier) subject to the Act which concurs in and assents to schedules of rates and regulations filed on its behalf an issuing carrier or carriers.
- (h) *Connecting carrier*. A carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier.
- (i) *Contract-based tariff*. A tariff based on a service contract entered into between a carrier and another carrier or a customer.
- (j) *Corrections*. The remedy of errors in typing, spelling, or punctuations.
- (k) *Dominant carrier*. A carrier found by the Commission to have market power (i.e., power to control prices).
- (l) *Issuing carrier*. A carrier subject to the Act that publishes and files a tariff or tariffs with the Commission.
- (m) *Local Exchange Carrier*. Any person that is engaged in the provision of telephone exchange service or exchange access as defined in section 3(26) of the Act.
- (n) *New service offering*. A tariff filing that provides for a class or sub-class of service not previously offered by the carrier involved and that enlarges the range of service options available to ratepayers.
- (o) *Non-dominant carrier*. A carrier not found to be dominant.

- (p) *Other participating carrier*. A carrier subject to the Act that publishes a tariff containing rates and regulations applicable to the portion or through service it furnishes in conjunction with another subject carrier.
- (q) *Rate*. The tarified price per unit of service.
- (r) *Rate increase*. Any change in a tariff which results in an increased rate or charge to any of the filing carrier's customers.
- (s) *Rate level change*. A tariff change that only affects the actual rate associated with a rate element, and does not affect any tariff regulations or any other wording of tariff language.
- (t) *Regulations*. The body of carrier prescribed rules in a tariff governing the offering of service in that tariff, including rules, practices, classifications, and definitions.
- (u) *Restructured service*. An offering which represents the modification of a method of charging or provisioning a service; or the introduction of a new method of charging or provisioning that does not result in a net increase in options available to customers.
- (v) *Supplement*. A publication filed as part of a tariff for the purpose of suspending or cancelling that tariff, or tariff publication and numbered independently from the tariff page series.
- (w) *Tariff*. Schedules of rates and regulations filed by common carriers.
- (x) *Tariff publication, or publication*. A tariff, supplement, revised page, additional page, concurrence, notice of revocation, adoption notice, or any other schedule of rates or regulations filed by common carriers.
- (y) *Tariff year*. The period from the day in a calendar year on which a carrier's annual access tariff filing is scheduled to become effective through the preceding day of the subsequent calendar year.
- (z) *Text change*. A change in the text of a tariff which does not result in a change in any rate or regulation.
- (aa) *United States*. The several States and Territories, the District of Columbia, and the possessions of the United States.

GENERAL RULES FOR COMMON CARRIERS

§ 61.10 Method of filing publications.

(a) Except as specified in § 61.44, publications sent for filing must be addressed to "Secretary, Federal Communications Commission, Washington, DC 20554." The date on which the publication is received by the Secretary of the Commission (or the Mail Room where submitted by mail) is considered the official filing date.

(b) In addition, for all tariff publications requiring fees as set forth in part 1, subpart G of this chapter, issuing carriers must submit the cover letter (without attachments), FCC Form 159, and the appropriate fee to the Mellon Bank, Pittsburgh, PA at the address set forth in § 1.1105 of this chapter. Issuing carriers should submit these fee materials on the same date as the submission in paragraph (a) of this section.

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the cover letter or transmittal letter with one diskette containing both the complete tariff and any attachments, as appropriate, to the Secretary, Federal Communications Commission. In addition, the issuing carrier must send one diskette of the complete tariff and a copy of the cover letter to the commercial contractor (at its office on Commission premises), and to the Chief, Tariff and Pricing Analysis Branch. The latter should be clearly labeled as the "Public Reference Copy." The issuing carrier should file the copies required by this paragraph so they will be received on the same date as the filings in paragraph (a) of this section.

§ 61.11 Cover letters.

(a)(1) All publications filed with the Commission must be accompanied by a cover letter, 8.5 by 11 inches (21.6 cm x 27.9 cm) in size. All cover letters should briefly explain the nature of the filing and indicate the date and method of filing of the original cover letter.

(2) International carriers must certify in their original cover letter that they are authorized under Section 214 of the Communications Act of 1934, as amended, to provide service, and reference the FCC file number of that authorization.

(b) A separate cover letter may accompany each publication, or an issuing carrier may file as many publications as desired with one cover letter.

NOTE: If a receipt for accompanying publication is desired, the cover letter must be sent in duplicate. One copy showing the date of the receipt by the Commission will then be returned to the sender.

§ 61.12 Letters of transmittal.

(a) Except as specified in § 61.10(b), all publications filed with the Commission must be accompanied by a letter of transmittal, A4 (21 cm x 29.7 cm) or 8.5 x 11 inches (21.6 cm x 27.9 cm) in size. All letters of transmittal must (1) concisely explain the nature and purpose of the filing; (2) specify whether supporting information under § 61.70 is required; (3) state whether copies have been delivered to the Commercial Contractor and Chief, Tariff and Pricing Analysis Branch, as required by § 61.10, and (4) contain a statement indicating the date and method of filing of the original of the transmittal letter as required by § 61.10(b), and the date and method of filing the copies as required by § 61.10 (a) and (c).

(b) Tariffs filed pursuant to section 204(a)(3) of the Communications Act shall display prominently in the upper right hand corner of the letter of transmittal a statement that the filing is made pursuant to that section and whether it is being filed on 7- or 15- days' notice.

(c) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a new or revised tariff made on 15 days' notice or less shall include in the letter of transmittal, the name, room number, street address, telephone number, and facsimile number of the individual designated by the filing carrier to receive personal or facsimile service of petitions against the filing as required under § 1 773(a)(4) of this chapter.

(d) In addition to the requirements set forth in paragraphs (a), (b), and (c) of this section, the letter of transmittal must specifically reference by number any special permission necessary to implement the tariff publication. Special permission must be granted prior to the filing of the tariff publication, and may not be requested in the transmittal letter.

(e) The letter of transmittal must be substantially in the following format.

(Exact name of carrier in full) _____

(Post Office Address) _____

_____, 19__ . _____

(Date) _____

Transmittal No. ____

Secretary,

Federal Communications Commission

Washington, DC 20554

Attention: Common Carrier Bureau.

The accompanying tariff (or other publication) issued by _____, and bearing FCC No. _____, effective _____, 19__, is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended. (Here give the additional information required.)

(Name of issuing officer or agent) _____

(Title) _____

(f) A separate letter of transmittal may accompany each publication, or the above format may be modified to provide for filing as many publications as desired with one transmittal letter.

NOTE: If a receipt for accompanying publication is desired, the letter of transmittal must be sent in duplicate. One copy showing the date of receipt by the Commission will then be returned to the sender.

SPECIFIC RULES FOR TARIFF PUBLICATIONS

§ 61.13 Composition of tariffs.

(a) Tariffs must contain in consecutive order: A title page; check sheet; table of contents; list of concurring, connecting, and other participating carriers; explanation of symbols and abbreviations; application of tariff; general rules (including definitions), regulations, exceptions and conditions; and rates. If the issuing carrier elects to add a section assisting in the use of the tariff, it should be placed immediately after the table of contents.

(b) The title page of every tariff and supplement must show:

(1) *FCC number, indication of cancellations.* In the upper right-hand corner, the designation of the tariff or supplement as "FCC No. _____," or "Supplement No. _____ to FCC No. _____," and immediately below, the FCC number or numbers of tariffs or supplements cancelled thereby.

(2) *Name of carrier, class of service, geographical application, means of transmission.* The exact name of the carrier, and such other information as may be necessary to identify the carrier issuing the tariff publication; a brief statement showing each class of service provided; the geographical application; and the type of facilities used to provide service.

(3) *Expiration Date.* When the entire tariff or supplement is to expire with a fixed date, the expiration date must be shown in connection with the effective date in the following manner:

Expires at the end of _____ (date) unless sooner canceled, changed or extended.

(4) *Title and address of issuing officer.* The title and street address of the officer issuing the tariff or supplement in the format specified in § 61.14.

(5) *Revised title page.* When a revised title page is issued, the following notation must be shown in connection with its effective date:

Original tariff effective _____

(here show the effective date of the original tariff)

(c)(1) The page immediately following the title page must be designated as "Original page 1" and captioned "Check Sheet." When the original tariff is filed, the check sheet must show the number of pages contained in the tariff. For example, "Page 1 to 150, inclusive, of this tariff are effective as of the date shown." When new pages are added, they must be numbered in continuing sequence, and designated as "Original page ____." For example, when the original tariff filed has 150 pages, the first page added after page 150 is to be designated as "Original page 151," and the foregoing notation must be revised to include the added pages.

(2) If pages are to be inserted between numbered pages, each such page must be designated as an original page and must bear the number of the immediately preceding page followed by an alpha or numeric suffix. For example, when two new pages are to be inserted between pages 44 and 45 of the tariff, the first inserted page must be designated as Original page 44A or 44.1 and the second inserted page as Original page 44B or 44.2. Issuing carriers may not utilize both the alpha and numeric systems in the same publication.

(3) When pages are revised, when new pages (including pages with letter or numeric suffix as set forth above) are added to the tariff, or when supplements are issued, the check sheet must be revised accordingly. Revised check sheets must indicate with an asterisk the specific pages added or revised. In addition to the notation in (1), the check sheet must list, under the heading "The original and revised pages named below (and Supplement No. ____) contain all changes from the original tariff that are in effect on the date shown," all original pages in numerical order that have been added to the tariff and the pages which have been revised, including the revision number. For example:

Page	Number of revision except as indicated
Title	1st
1	*8th
3	5th
5A	*Orig.
10	*8th
151	Orig.

*New or Revised page

(4) Changes in, and additions to tariffs must be made by reprinting the page upon which a change or addition is made. Such changed page is to be designated as a revised page, cancelling the page which it amends. For example, "First revised page 1 cancels original page 1," or "Second revised page 2 cancels first revised page 2," etc. When a revised page omits rates or regulations previously published on the page which it cancels, but such rates or regulations are published on another page, the revised page must make specific reference to the page on which the rates or regulations will be

found. This reference must be accomplished by inserting a sentence at the bottom of the revised page that states "Certain rates (or regulations) previously found on this page can now be found on page ____." In addition, the page on which the omitted material now appears must bear the appropriate symbol opposite such material, and make specific reference to the page from which the rates or regulations were transferred. This reference must be accomplished by inserting a sentence at the bottom of the other page that states "Certain rates (or regulations) on this page formerly appeared on page ____."

(5) Rejected pages must be treated as indicated in § 61.23.

(d) *Table of contents.* The table of contents must contain a full and complete statement showing the exact location and specifying the page or section and page numbers, where information by subjects under general headings will be found. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(e) *Tariff User's guide.* At its option, a carrier may include a section explaining how to use the tariff.

(f) *List of concurring carriers.* This list must contain the exact name or names of carriers concurring in the tariff, alphabetically arranged, and the name of the city or town in which the principal office of every such carrier is located. If there are no concurring carriers, then the statement "no concurring carriers" must be made at the place where the names of the concurring carriers would otherwise appear. If the concurring carriers are numerous, their names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference to such separate tariff by FCC number must be made in the tariff at the place where such names would otherwise appear.

(g) *List of connecting carriers.* This list must contain the exact name or names of connecting carriers, alphabetically arranged, for which rates or regulations are published in the tariff, and the name of the city or town in which the principal office of every such carrier is located. If there are no connecting carriers, then the statement "no connecting carriers" must be made at the place where their names would otherwise appear. If connecting carriers are numerous, their names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference to such separate tariff by FCC number must be made in the tariff at the place where such names would otherwise appear.

(h) *List of other participating carriers.* This list must contain the exact name of every other carrier subject to the Act engaging or participating in the communication service to which the tariff or supplement applies, together with the name of the city or town in which the principal office of such carrier is located. If there is no such other carrier, then the statement "no participating carriers" must be made at the place where the names of such other carriers would otherwise appear. If such other carriers are numerous, their

names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference must be made in the tariff at the place where such names would otherwise appear. The names of concurring and connecting carriers properly listed in a tariff published by any other participating carrier need not be repeated in this list.

(i)(1) *Symbols, reference marks, abbreviations.* The tariff must contain an explanation of symbols, reference marks, and abbreviations of technical terms used. The following symbols used in tariffs are reserved for the purposes indicated below:

R to signify reduction.

I to signify increase.

C to signify changed regulation.

T to signify a change in text but no change in rate or regulation.

S to signify reissued matter.

M to signify matter relocated without change

N to signify new rate or regulation.

D to signify discontinued rate or regulation.

Z to signify a correction.

(2) The uniform symbols must be used as follows.

(i) When a change of the same character is made in all or in substantially all matter in a tariff, it may be indicated at the top of the title page of the tariff or at the top of each affected page, in the following manner: "All rates in this tariff are increases," or, "All rates on this page are reductions, except as otherwise indicated."

(ii) When a change of the same character is made in all or substantially all matters on a page or supplement, it may be indicated at the top of the page or supplement in the following manner: "All rates on this page (or supplement) are increases," or, "All rates on this page (or supplement) are reductions except as otherwise indicated."

(3) Items which have not been in effect 30 days when brought forward on revised pages must be shown as reissued, in the manner prescribed in § 61.13(i)(1). Items which have been in effect 30 days or more and are brought forward without change on revised pages must not be shown as reissued items.

(j) *Rates and general rules, regulations, exceptions and conditions.* The general rules (including definitions), regulations, exceptions, and conditions which govern the tariff must be stated clearly and definitely. All general rules, regulations, exceptions or conditions which in any way affect the rates named in the tariff must be specified. A special rule, regulation, exception or condition affecting a particular item or rate must be specifically referred to in connection with such item or rate. Rates must be expressed in United States currency, per chargeable unit of service for all communication services, together with a list of all points of service to and from which the rates apply. They must be arranged in a simple and systematic manner. Complicated or ambiguous terminology may not be used, and no rate, rule, regulation, exception or condition shall be included which in any way attempts to substitute a rate, rule, regulation, exception or

condition named in any other tariff.

(k) The tariff must be submitted on a 3 1/2 inch (8.9 cm) diskette, formatted in an IBM compatible form using MS DOS 5.0 and WordPerfect 5.1 software. The diskette must be submitted in "read only" mode. The diskette must be clearly labelled with the carrier's name, Tariff Number, and the date of submission. The cover letter must be submitted on 8 1/2 by 11 inch (21.6 cm x 27.9 cm) paper, and must be plainly printed in black ink.

(l) The tariff must contain the carrier's name, the international Section 214 authorization FCC file number (when applicable), and the information required by Section 203 of the Act.

(m) Changes to a tariff must be made by refiling the entire tariff on a new diskette, with the changed material included. The carrier must indicate in the tariff what changes have been made.

§ 61.14 Form, size, type, legibility, etc.

(a) All tariff publications must be in loose-leaf form of size A4 (21 cm x 29.7 cm) or 8.5 x 11 inches (21.6 cm x 27.9 cm), and must be plainly printed in black print on white paper of durable quality. Less than 6-point type may not be used. Erasures or alterations in writing must not be made in any tariff publication filed with the Commission or in those copies posted for public convenience. A margin of no less than 2.5 cm (1 inch) in width must be allowed at the left edge of every tariff publication.

(b) Pages of tariffs must be printed on one side only, and must be numbered consecutively and designated as "Original title page," "Original page 1," "Original page 2," etc.

(1) All such pages must show, in the upper left-hand corner the name of the issuing carrier; in the upper right-hand corner the FCC number of the tariff, with the page designation directly below; in the lower left-hand corner the issued date; in the lower right-hand corner the effective date; and at the bottom, center, the street address of the issuing officer. The carrier must also specify the issuing officer's title either at the bottom center of all tariff pages, or on the title page and check sheet only.

(2) As an alternative, the issuing carrier may show in the upper left-hand corner the name of the issuing carrier, the title and street address of the issuing officer, and the issued date; and in the upper right-hand corner the FCC number of the tariff, with the page designation directly below, and the effective date. The carrier must specify the issuing officer's title in the upper left-hand corner of either all tariff pages, or on the title page and check sheet only. A carrier electing to place the information at the top of the page should annotate the bottom of each page to indicate the end of the material, e.g., a line, or the term "Printed in USA," or "End".

(3) Only one format may be employed in a tariff publication.

(c) Local exchange carriers shall file all tariff publications and associated documents, such as transmittal letters, requests for special permission, and cost support documents, electronically in accordance with the requirements established by the Chief, Common Carrier Bureau.

§ 61.15 Notice requirements.

(a) Every proposed tariff filing must bear an effective date and, except as otherwise provided by regulation, special permission, or Commission order, must be made on at least the number of days notice specified in this section.

(1) Notice is accomplished by filing the proposed tariff changes with the Commission. Any period of notice specified in this section begins on and includes the date the tariff is received by the Commission, but does not include the effective date. If a tariff filing proposes changes governed by more than one of the notice periods listed below, the longest notice period will apply. In computing the notice period required, all days including Sundays and holidays must be counted.

(2) Except for tariffs filed pursuant to section 204(a)(3) of the Communications Act, the Chief, Common Carrier Bureau, may require the deferral of the effective date of any tariff filing made on less than 120-days' notice, so as to provide for a maximum of 120-days' notice, or of such other maximum period of notice permitted by section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of this chapter have been filed.

(3) Tariff filings proposing corrections must be made on at least 1 days' notice. Corrections to tariff materials not yet effective cannot take effect before the effective date of the original material.

(4) This subsection applies only to dominant carriers. If the tariff publication would increase any rate or charge, or would effectuate and authorized discontinuance, reduction or other impairment of service to any customer, the offering carrier must inform the affected customers of the content of the tariff publication. Such notification should be made in a form appropriate to the circumstance, and may include written notification, personal contact, or advertising in newspapers of general circulation.

(b) *Non-dominant carriers* Tariff filings of non-dominant carriers must be made on at least 1 days' notice.

(c) *Carriers subject to price cap regulation.* This paragraph applies only to carriers subject to price cap regulation. Such carriers must file tariffs according to the following notice periods.

(1) Local exchange carriers subject to price cap regulation shall file with this Commission a price cap tariff for access service for an annual period. Subject to § 61.15(d), such tariffs shall be filed to provide a minimum of 7 or 15 days' notice with a scheduled effective date of July 1. Such tariff filings shall be limited to changes in the Price Cap Indexes and rate level changes (with corresponding adjustments to the affected Actual Price Indexes and Service Band Indexes).

(2) Tariff filings that do not cause any API to exceed any applicable PCI pursuant to calculations provided for in § XX.105 of this part, and that do not cause any SBI to exceed its banding limitations established in § XX.106 of this part, shall be filed to provide a minimum of 7 or 15 days' notice pursuant to section 204(a)(3) of the Communications Act.

(3) Tariff filings that will cause any API to exceed its applicable PCI pursuant to calculations provided for in § XX.105 of this part, or that will cause any SBI to exceed its upper banding limitations established in § XX.106 of this part, must be made on at least 45 days' notice, or such other maximum period of notice permitted by section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of the Commission's Rules have been filed.

(4) Carriers may propose rate or other tariff changes more often than annually, consistent with the requirements of this section.

(d) *Tariffs filed pursuant to section 204(a)(3) of the Communications Act.* Local exchange carriers filing tariffs pursuant to section 204(a)(3) of the Communications Act may file the tariff on 7-days' notice if it proposes only rate decreases. Any other tariff filed pursuant to section 204(a)(3) of the Communications Act, including those that propose a rate increase or any change in terms and conditions of service other than a rate change, shall be filed on at least 15-days' notice.

(e) *Carriers filing pursuant to § 61.70.* A tariff for access service provided by a telephone company that may file an access tariff pursuant to § 61.70 shall be filed to provide a minimum of 7 or 15 days' notice pursuant to section 204(a)(3) of the Communications Act.

(f) *Carriers filing pursuant to § 61.71.* A tariff for access service provided by a telephone company that may file an access tariff pursuant to § 61.71 may be filed for a biennial period and scheduled effective date of July 1 of any odd numbered year. An eligible telephone company that does not elect to file an access tariff pursuant to the § 61.71 procedures may elect to file a biennial tariff pursuant to this section. Tariffs filed pursuant to § 61.71 shall be filed to provide a minimum of 7 or 15 days' notice pursuant to section 204(a)(3) of the Communications Act. For purposes of computing charges for access elements other than Common Line elements to be effective on July 1 of any even-numbered year, the association may compute rate changes based upon statistical methods which represent a reasonable equivalent to the cost support information otherwise required under Part 61 of this chapter

§ 61.16 Special notations.

(a) A tariff filing must contain a statement of the authority for any matter to be filed on less than the notice required in § 61.15. The following must be used:

Issued on not less than — days' notice under authority of — (specific reference to the special permission, decision, order or section of these rules).

If all the matter in a tariff publication is to become effective on less than the notice required in § 61.15, specific reference to the Commission authority must be shown on the title page. If only a part of the tariff publication is to become effective on less than the notice required in § 61.15, reference to the Commission authority must appear on the same page(s), and be associated with the pertinent matter.

(b) When a portion of any tariff publication is issued in order to comply with the Commission order, the following notation must be associated with that portion of the tariff publication:

In compliance with the order of the Federal Communications Commission in — (a specific citation to the applicable order should be made).

§ 61.17 Consecutive numbering.

Carriers should file tariff publications under consecutive FCC numbers. If this cannot be done, a memorandum containing an explanation of the missing number or numbers must be submitted. Supplements to a tariff must be numbered consecutively in a separate series.

§ 61.18 Contract-based tariffs.

(a) *Scope.* This section shall apply to offerings as defined in § 61.3(i).

(b) Composition of contract-based tariffs shall comply with § 61.13(b) through (i).

(c) Contract-based tariffs shall include the following:

- (1) The term of the contract, including any renewal options;
- (2) A brief description of each of the services provided under the contract;
- (3) Minimum volume commitments for each service;
- (4) The contract price for each service or services at the volume levels committed to by the customers;
- (5) A general description of any volume discounts built into the contract rate structure; and
- (6) A general description of other classifications, practices and regulations affecting the contract rate.

§ 61.19 Supplements.

A carrier may not file a supplement except to suspend or cancel a tariff publication.

§ 61.20 Cancellations.

The following paragraphs govern the cancellation of tariffs and supplements.

(a) *By tariff or supplement.* A carrier may cancel any tariff or supplement in whole or in part by another tariff or supplement. Cancellation of a tariff automatically cancels every supplement to that tariff, except a cancelling supplement.

(b) *By expiration.* A carrier may cancel a tariff or supplement in whole or in part by fixing a date on which the rates or regulations will expire

(c) *Indication of.* (1) A carrier which cancels a tariff or supplement in whole by another tariff or supplement must comply with § 61.13(b)(1). Cancellation of tariffs or supplements in whole by expiration must be indicated as provided in § 61.13(b)(3).

(2) Where a carrier issues a tariff, supplement, or revised page partially cancelling another tariff, supplement, or revised page, it must specifically state what portion of the other tariff publication is cancelled. Such other tariff or supplement must at the same time be correspondingly amended, effective on the same date.

(3) When only a part of tariff or supplement is to expire, a carrier must show the expiration date on the same page, and associate it with the matter which is to expire. Changes in expiration date must be made pursuant to the notice requirements of § 61.15, unless otherwise authorized by the Commission. Expirations must be indicated as follows:

Expires at the end of _____

(date) unless sooner cancelled, changed or extended.

(d) *Rates and regulations to apply.* When a carrier cancels a tariff or supplement in whole or in part by another tariff or supplement, the cancelling publication must show where all rates and regulations will be found, or what rates and regulations will apply.

(e) *Omissions.* When a tariff or supplement cancelling a previous tariff or supplement omits points of origin or destination, rates or regulations, or routes, which were contained in such tariff or supplement, the new tariff or supplement must indicate the omission in the manner prescribed in paragraph (c) of this section. If such omissions effect changes in rates of regulations, that fact must be indicated by the use of the uniform symbols prescribed in § 61.13(i)(1).

(f) *Carriers ceasing operations.* When a carrier ceases operations without a successor, it must cancel its tariffs pursuant to the notice requirements of § 61.15, unless otherwise authorized by the Commission.

§ 61.21 Rejection.

When a tariff publication is rejected by the Commission, its number may not be used again. The rejected tariff publication may not be referred to as cancelled or revised. The publication that is subsequently issued in lieu of the rejected tariff publication must bear

the notation

In lieu of —, rejected by the Federal Communications Commission.

§ 61.22 Public information requirements.

(a) Issuing carriers must make available accurate and timely information pertaining to rates and regulations subject to tariff filing requirements.

(b) Issuing carriers must, at a minimum, provide a telephone number for public inquiries about information contained in its tariffs. The telephone number should be made readily available to all interested parties.

§ 61.23 Duplication of rates or regulations.

A carrier concurring in schedules of another carrier must not publish conflicting or duplicative rates or regulations.

§ 61.24 References to other instruments.

(a) A tariff publication filed with the Commission may make reference to any other tariff publication filed with the Commission or to technical publications.

§ 61.25 - 61.27 [Reserved]

CONCURRENCES

§ 61.28 Scope.

Sections 61.29 through 61.33 apply to a carrier which must file concurrences reflecting rates and regulations for through service provided in conjunction with other carriers and to a carrier which has chosen, as an alternative to publishing its own tariff, to arrange concurrence in an effective tariff of another carrier. Limited or partial concurrences will not be permitted.

§ 61.29 Method of filing concurrences.

A carrier proposing to concur in another carrier's effective tariff must deliver two copies of the concurrence to the issuing carrier in whose favor the concurrence is issued. The concurrence must be signed by an officer or agent of the carrier executing the concurrence, and must be numbered consecutively in a separate series from its FCC tariff numbers. At the same time the issuing carrier revises its tariff to reflect such a concurrence, it must submit both copies of the concurrence to the Commission. The concurrence must bear the same effective date as the date of the tariff filing reflecting the concurrence.

§ 61.30 Format of concurrences.

(a) Concurrences must be issued in the following format:

CONCURRENCE

F.C.C. Concurrence No. _____

(Cancels F.C.C. Concurrence No. _____)

(Name of Carrier _____)

(Post Office Address _____)

(Date) _____ 19__.

Secretary,

Federal Communications Commission, Washington, D.C. 20554.

This is to report that (name of concurring carrier) assents to and concurs in the tariffs described below. (Name of concurring carrier) thus makes itself a party to these tariffs and obligates itself (and its connecting carriers) to observe every provision in them, until a notice of revocation is filed with the Commission and delivered to the issuing carrier.

This concurrence applies to interstate (and foreign) communication:

1. Between the different points on the concurring carrier's own system;
2. Between all points on the concurring carrier's system and the systems of its connecting carriers; and
3. Between all points on the system of the concurring carrier and the systems of its connecting carriers on the one hand, and, on the other hand, all points on the system of the carrier issuing the tariff or tariffs listed below and the systems of its connecting carriers and other carriers with which through routes have been established.

(NOTE: Any of the above numbered paragraphs may be omitted or the wording modified to state the points to which the concurrence applies.)

TARIFF

(Here describe the tariff or tariffs concurred in by the carrier, specifying FCC number, title, date of issuance, and date effective. Example: A.B.C. Communications Company, Tariff FCC No. 1, Interstate Telegraph Message Service, Issued January 1, 1983, Effective April 1, 1983).

Cancels FCC Concurrence No. _____, effective _____, 19__

(Name of concurring carrier) _____

By _____

(Title) _____

(b) No material is to be included in a concurrence other than that indicated in the above-prescribed form, unless specially authorized by the Commission. A concurrence in any tariff so described will be deemed to include all amendments and successive issues which the issuing carrier may make and file. All such amendments and

successive issues will be binding between customers and carriers. Between carriers themselves, however, the filing by the issuing carrier of an amendment or successive issue with the Commission must not imply or be construed to imply an agreement to the filing by concurring carriers. Such filings do not affect the contractual rights or remedies of any concurring carrier(s) which have not, by contract or otherwise, specifically consented in advance to such amendment or successive issue.

§ 61.31 Concurrences for through services.

A carrier filing rates or regulations for through services between points on its own system and points on another carrier's system (or systems), or between points on another carrier's system (or systems), must list all concurring, connecting or other participating carriers as provided in § 61.13 (f), (g) and (h). A concurring carrier must tender a properly executed instrument of concurrence to the issuing carrier. If rates and regulations of the other carriers engaging in the through service(s) are not specified in the issuing carrier's tariff, that tariff must state where the other carrier's rates and regulations can be found. Such reference(s) must contain the FCC number(s) of the referenced tariff publication(s), the exact name(s) of the carrier(s) issuing such tariff publication(s), and must clearly state how the rates and regulations in the separate publications apply.

§ 61.32 Concurrences for other purposes.

When an issuing carrier permits another carrier to concur in its tariff, the issuing carrier's tariff must state the concurring carrier's rates and points of service.

§ 61.33 Revocation of concurrences.

A concurrence may be revoked by a revocation notice or cancelled by a new concurrence. A revocation notice or a new concurrence, if less broad in scope than the concurrence it cancels, must bear an effective date not less than 45 days after its receipt by the Commission. A revocation notice is not given a serial number, but must specify the number of the concurrence to be revoked and the name of the carrier in whose favor the concurrence was issued. It must be in the following format:

REVOCATION NOTICE

(Name of carrier _____)

(Post office address _____)

(Date) _____, 19—. Secretary,

Federal Communications Commission, Washington, D.C. 20554.

Effective —, 19— FCC Concurrence No. —, issued by (Name of concurring carrier) in favor of (Name of issuing carrier) is hereby cancelled and revoked. Rates and regulations of (Name of concurring carrier) and its connected carriers will thereafter be